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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/562,684	12/28/2005	Kiyonobu Agata	050840	4053
23850 7590 02/13/2009 KRATZ, QUINTOS & HANSON, LLP 1420 K Street, N.W. Suite 400 WASHINGTON, DC 20005				
EXAMINER				
LEE, LAURA MICHELLE				
ART UNIT		PAPER NUMBER		
3724				
MAIL DATE		DELIVERY MODE		
02/13/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/562,684

Applicant(s)

AGATA ET AL.

Examiner

LAURA M. LEE

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 4-6, 8, 11, 13, 14, 16 and 17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-6, 8, 11, 13-14, 16-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10/27/2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This office action is in response to the amendment filed on 10/27/2008 in which claims 1, 2, 4-6, 8, 11, 13, 14, 16, and 17 are pending and claims 1,6, 13-14 and 16-17 are currently amended.

Response to Arguments

2. Applicant's arguments filed 10/27/2008 have been fully considered but they are not persuasive. The applicant argues that Palamenti in view of Wilcox fails to disclose a semi-cylindrical blade edge and radial adjustment of the blade edge as per the present device. However, it is countered that Palamenti discloses (in col. 3, lines 5-8) that "the arcuate distance a between the trailing and leading edges of the successive male blades 11 is equal to the desired depth of the box to be formed from the blank." And that as shown in Figure 2, a extends from the end of the bottom male cutting blade 11 to the start of the top cutting blade 11 just in front of the "lead-in" tip 37. Furthermore, col. 3, lines 29-31 discloses that "segment 32 has the convention spur shape, as shown, to start the slots to be formed in blank 28." It is therefore understood by the specification that "lead-in tip" 37 is a cutting edge. Secondly as shown by Wilcox, in at least the radial slots 12 are shown on direct opposite sides of the center of the arbor 7, the cutting blade is capable of being adjusted in the radial direction.

Drawings

3. The drawings were received on 10/27/2008. These drawings are acceptable.

Specification

4. The amendments to the specification were received on 10/27/2008. These amendments are acceptable.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-2, 4-6, 8, 11, 13, 14 and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Palamenti (U.S. Patent 3,211,066) in view of Wilcox (U.S. Patent 3,036,486). In regards to claim 1, Palamenti discloses a cutting tool (11) for forming a slit on a sheet material, the cutting tool comprising: a cutting tool body (32/33), a grooving blade (39) for forming a slit, and a notching blade 37) for forming an end portion (an end portion being the front end) of a slit, wherein the cutting tool body (32/33) is formed in an arcuate shape, the grooving blade (39) is formed along either edge in the thickness direction of the cutting tool body, the notching blade (37) is provided with a semi-cylindrical blade edge (back edge of 37), and an attachment site

(at the first bolt, 34) capable of being detachably attached to one end of the cutting tool body (via holder, 13), and the notching blade (37) is attached to one end of the cutting tool body in such a manner that an outer curved surface (back surface of 37) of the blade edge is exposed the cutting tool body. However, Palamenti does not disclose that the attachment site is configured such that the blade edge can be adjusted in the radial direction of the cutting tool body. However, attention is directed to Wilcox, that discloses an alternative rotary slotting apparatus. Wilcox discloses that appropriate to the given work, it may be required or desired to change the length of the cutting tool body. Wilcox discloses that this can be accomplished by providing the body on an elongated slot (12) such that the body can be extended or shortened as needed by adding or subtracting additional arcuate sections, and thus the blade edge can be adjusted in the radial direction. It similarly would have been obvious to one having ordinary skill in the art at the time of the invention to have provided an arcuate slot on the Palamenti holder (13) as taught by Wilcox, instead of the fixed point bolt holes to be able to adjust the length of the cutting tool body depending upon the given work conditions, thus providing that the blade edge can be adjusted in the radial direction along the provided elongated slot.

In regards to claim 2, the modified device of Palamenti discloses wherein the attachment site is provided with an oblong hole (Wilcox slot, 12), and the notching blade is attached to the cutting body by inserting a bolt (Wilcox, 11), via the oblong hole (Wilcox, 12), into a bolt hole (hole though 23, not numbered: Wilcox) formed in one end of the cutting tool body.

In regards to claims 4 and 8, the modified device of Palamenti discloses wherein the cutting tool body (32/33) has a notch (41) formed on one end, which forms a back face inclined at an angle of 5 to 30 to an end surface and the notching blade (37) is attached to the back face.

In regards to claims 5, 11, and 13 the modified device of Palamenti discloses wherein the notching blade (37) is provided with a notch (see Figure 3) at the tip of the blade.

In regards to claims 6, 14, 16 and 17 the modified device of Palamenti discloses wherein the width of the notching blade (37) is shorter by 0.1 mm to 0.3 mm than that of the cutting tool body (38); see Figure 3).

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LAURA M. LEE whose telephone number is (571)272-8339. The examiner can normally be reached on Monday through Friday, 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on (571) 272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Laura M Lee/
Examiner, Art Unit 3724
02/03/2009

/Boyer D. Ashley/
Supervisory Patent Examiner, Art Unit 3724